

**ALASKA STATE LEGISLATURE**  
**SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

May 4, 2021

3:31 p.m.

**MEMBERS PRESENT**

Senator Shelley Hughes, Chair  
Senator Robert Myers, Vice Chair  
Senator David Wilson  
Senator Elvi Gray-Jackson

**MEMBERS ABSENT**

Senator Lyman Hoffman

**COMMITTEE CALENDAR**

**SENATE BILL NO. 81**

"An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

- MOVED CSSB 81(CRA) OUT OF COMMITTEE

**SENATE BILL NO. 46**

"An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 81

SHORT TITLE: VILLAGE PUBLIC SAFETY OFFICER GRANTS  
SPONSOR(s): SENATOR(s) OLSON

02/12/21	(S)	READ THE FIRST TIME - REFERRALS
02/12/21	(S)	CRA, STA, FIN
04/20/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/20/21	(S)	Heard & Held
04/20/21	(S)	MINUTE(CRA)
04/27/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/27/21	(S)	Heard & Held
04/27/21	(S)	MINUTE(CRA)
04/29/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/29/21	(S)	-- MEETING CANCELED --
05/04/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 46

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE  
SPONSOR(s): SENATOR(s) GRAY-JACKSON

01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	CRA, STA, FIN
04/20/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/20/21	(S)	Heard & Held
04/20/21	(S)	MINUTE(CRA)
04/29/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/29/21	(S)	-- MEETING CANCELED --
05/04/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)

#### **WITNESS REGISTER**

MOE ZAMARRON, City Manager  
Unalakleet, Alaska

**POSITION STATEMENT:** Stated support for SB 81 and expressed particular support for the Village Police Officer (VPO) program.

BRIX HAHN, Staff  
Senator Donny Olson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Thanked the committee for hearing SB 81.

MICHAEL GARVEY, Advocacy Director  
ACLU of Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified by invitation in support of SB 46.

MORGAN LIM, Advocate

Planned Parenthood Alliance Alaska  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 46.

CHARLES MCKEE, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on SB 46.

ROBERT GRIFFITHS  
Executive Director  
Alaska Police Standards Council  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 46.

KATHRYN MONFREDA, Director  
Division of Statewide Services  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 46.

#### **ACTION NARRATIVE**

[3:31:53 PM](#)

**CHAIR SHELLEY HUGHES** called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Gray-Jackson, Myers, and Chair Hughes. Senator Wilson arrived soon thereafter.

#### **SB 81-VILLAGE PUBLIC SAFETY OFFICER GRANTS**

[3:32:24 PM](#)

CHAIR HUGHES announced the consideration of SENATE BILL NO. 81, "An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

[The committee adopted CSSB 81, version I, on 4/27/21.]

[3:33:03 PM](#)

SENATOR WILSON joined the committee meeting.

[3:33:19 PM](#)

CHAIR HUGHES opened public testimony on SB 81.

[3:33:51 PM](#)

MOE ZAMARRON, City Manager, Unalakleet, Alaska, stated support for SB 81 and expressed particular support for the Village

Police Officer (VPO) program. He related that because Unalakleet is a very small community, it does not attract many VPSO applicants. Therefore, VPOs are used fill these positions. He referenced talk about doing away with the VPO program and warned that doing so would make recruitment much more difficult. He said the VPO program allows Unalakleet to provide a quality service and he believes it would be beneficial to have VPO funding added to VPSO grants. He reiterated his overall support for the VPSO Program.

[3:35:29 PM](#)

CHAIR HUGHES closed public testimony on SB 81. She noted who was available to answer questions and asked the sponsor's staff if she had any closing remarks.

[3:36:08 PM](#)

BRIX HAHN, Staff, Senator Donny Olson, Alaska State Legislature, Juneau, Alaska, thanked the committee for hearing the bill.

[3:36:21 PM](#)

CHAIR HUGHES asked the will of the committee.

[3:36:30 PM](#)

SENATOR MYERS moved to report SB 81, work order 32-LS0362\I, from committee with individual recommendations and attached fiscal note(s).

[3:36:46 PM](#)

CHAIR HUGHES announced that without objection, CSSB 81(CRA) was reported from the Senate Community and Regional Affairs Standing Committee.

[3:36:50 PM](#)

At ease

#### **SB 46-LAW ENFORCEMENT: REGISTRY; USE OF FORCE**

[3:38:41 PM](#)

CHAIR HUGHES announced the consideration of SENATE BILL NO. 46 "An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for

inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

She noted the bill was first heard on 4/20/21.

3:39:47 PM

SENATOR GRAY-JACKSON, speaking as sponsor of SB 46, summarized that the bill seeks to ensure accountability for police violence by requiring the Department of Public Safety to create a statewide use-of-force database. She said everybody deserves to live in a world that provides equal protection and access to resources needed to be healthy, safe, and free from harm. She emphasized that information about a municipal police officer or municipal correctional facility employee recorded in the database is confidential and not subject to public disclosure.

CHAIR HUGHES announced invited testimony.

3:41:17 PM

MICHAEL GARVEY, Advocacy Director, ACLU of Alaska, Anchorage, Alaska, thanked the sponsor for inviting him to testify on SB 46 and for introducing the "Turning Pain into Progress" suite of police reform legislation. He described the package as a vital step to address over-policing and excessive use of force that disproportionately affect people of color. He stated that SB 46 will further the understanding of how law enforcement officers use force in Alaska and help reduce the improper use of force.

He highlighted three important aspects of SB 46. First, the database would capture data on uses of force by a variety of law enforcement entities, not just officers on patrol. He said this is important because Alaska has the second highest rate of police killings in the U.S. Second, the database would capture demographic and geographic data that will show the disparities in uses of force. He noted that this information is currently collected through independent reports, not on a statewide basis. For example, a recent report from the Alaska Justice Information Center (AJIC) indicated that Alaska Natives and Black people were overrepresented in use-of-force incidents and most incidents involved men. The report was based on a 10-year review of Office of Special Prosecution records that pointed to the need to routinely collect this information.

3:43:32 PM

MR. GARVEY advised that he proposed an amendment to Section 9 to add disability status to the type of information collected about people against whom force was used. He relayed that the AJIC report found that in Alaska, more than two-thirds of incidents involved a person who exhibited mental illness markers. Because the Department of Corrections is one of the largest mental health providers in the state, he said it is important to know how law enforcement uses force on people with disabilities. It is a matter of equal protection and will reveal when intervention is necessary.

MR. GARVEY said the third important aspect of SB 46 is that it will make the Department of Public Safety's report on use of force public. To address privacy concerns, he said DPS should collect, store, and make the data public in a manner that does not reveal personal identifying information, including through reverse identification. The data should also be reported in a disaggregated way so as to understand how people who fit into multiple categories experience use of force. He emphasized that this data is vital for transparency and accountability. The data alone cannot tell the whole story, but it can help reveal problems that require change in policy or practice, he said. This is squarely in the public interest.

He again thanked the sponsor for inviting him to testify on SB 46 and the committee for its work on this important subject.

[3:45:39 PM](#)

At ease

[3:46:08 PM](#)

CHAIR HUGHES reconvened the meeting and noted the sponsor had follow-up remarks.

[3:46:13 PM](#)

SENATOR GRAY-JACKSON informed Mr. Garvey that she intended to offer the amendment he suggested.

[3:46:41 PM](#)

CHAIR HUGHES opened public testimony on SB 46.

[3:47:00 PM](#)

MORGAN LIM, Advocate, Planned Parenthood Alliance Alaska, Juneau, Alaska, stated support for SB 46 and reported that PPAA stands with Black, indigenous, and people of color communities as they demand change and seek to create safe and sustainable communities. He spoke about achieving reproductive justice, the

right to raise children in a safe and healthy environment, and that over-policing in Black and indigenous communities makes the promise of reproductive freedom unattainable. He said PPAA supports efforts to transform law enforcement and sees the requirement to establish a statewide use-of-force database as an important step towards ensuring police accountability and transparency in Alaska.

MR. LIM cited the statistics that show Alaska ranks second in the country for the highest rates of police killings and police violence against Black and indigenous people. He said mandatory reporting of incidents that involve deadly use of force and collection of demographic details is critical to gain a full picture of police behavior and address police violence. To improve transparency, he said PPAA believes the public database should be available on the DPS website both to view and to export for analysis.

MR. LIM concluded that SB 46 is a simple and common-sense step in the right direction because everyone deserves equal protection and access to resources to be safe, healthy, and free from harm.

[3:49:35 PM](#)

CHARLES MCKEE, representing self, Anchorage, Alaska, stated he is licensed in the state as a holder in due course. He advised that he submitted a four-page document titled "Declaration and Affidavit of Fact and Truth" as part of his testimony. On page 3 it talks about the duty to respect lives, private property, religious convictions, and that private property cannot be confiscated.

He shared that he was on bail because \$113,000 was confiscated from his credit account under worker's compensation. This put him in arrears with his landlord.

[3:51:11 PM](#)

CHAIR HUGHES asked if he had a position on SB 46.

[3:51:15 PM](#)

MR. MCKEE replied the bill has to include the declaration of truth and fact. He mentioned the ability of public servants to extract credit from somebody's account without their knowledge or consent.

[3:52:45 PM](#)

CHAIR HUGHES thanked him for his comments and closed public testimony on SB 46.

CHAIR HUGHES asked Mr. Griffiths for his comments and perspective of Section 1 of the bill.

3:54:01 PM

ROBERT GRIFFITHS, Executive Director, Alaska Police Standards Council, Juneau, Alaska, stated that Section 1 adds entirely new authorities and duties to the council.

CHAIR HUGHES asked for a short explanation of the council's duties.

MR. GRIFFITHS explained that the legislature charges the council with setting hiring and training standards for police officers, correctional officers, probation officers, and municipal corrections officers. The council issues certifications to officers who have met training standards and revokes certifications from officers who no longer meet the standards.

CHAIR HUGHES asked if the council has training standards for use of force.

MR. GRIFFITHS answered yes; it is part of the required training at the law enforcement academy along with training about constitutional rights.

CHAIR HUGHES asked if the council already maintains a registry of certification revocations or denials.

3:56:00 PM

MR. GRIFFITHS answered yes and the list is public. He added that most of the council's decisions are posted on the internet, and they contribute to the National Decertification Index. That information is shared with other participating states.

CHAIR HUGHES asked if it would be a problem to report that list to the legislature each year.

MR. GRIFFITHS answered no; it would not be a problem.

CHAIR HUGHES referenced the requirement in subsection (e) of Section 1 and asked if this would be a new requirement or if the council already works with local police departments on developing rules and policies to implement standards.



MR. GRIFFITHS answered that helping agencies develop guidelines would be a new requirement, but the council has always been available to provide advice and support upon request.

3:57:47 PM

SENATOR MYERS asked if the council had discussed the idea of a database for use of force and deadly force through regulation.

MR. GRIFFITHS answered the council does not have the authority to mandate that reporting, but the council is cognizant of the national narrative and has discussed regulating the training related to use of force and the duty to intervene. The council is currently working through the regulatory process to adopt clear regulations regarding unreasonable use of force and duty for officers to intervene when they witness excessive use of force.

SENATOR MYERS summarized that the council discussed the concept but establishing a database was outside the council's authority.

CHAIR HUGHES referenced the requirement in Section 9 for DPS to establish a statewide use-of-force database. She asked Ms. Monfreda if DPS currently was collecting use-of-force data from local police departments.

4:00:49 PM

KATHRYN MONFREDA, Director, Division of Statewide Services, Department of Public Safety (DPS), Anchorage, Alaska, stated that DPS serves as a portal for 17 local police departments to report use-of-force data that is passed to the FBI. The FBI publishes that data depending on the requirements from the Office of Management and Budget.

4:01:40 PM

CHAIR HUGHES noted she said that 17 police departments report and asked for the total number of local police departments.

MS. MONFREDA estimated the total was 35-40 but only 32 agencies report uniform crime reporting (UCR) statistics.

CHAIR HUGHES asked if the department currently receives data through the Village Public Safety Officer (VPSO) Program.

MS. MONFREDA answered that VPSOs do not report the data directly; it comes through the trooper who works with the VPSO.

CHAIR HUGHES asked if she had any comments about Section 9 or if she had communicated with local police departments about the proposed database.

MS. MONFREDA said the information that is collected currently has more data elements than SB 46 requires, but additional fields would need to be added. For example, the bill requires collection of the name of the officer but that is not required in the national database.

CHAIR HUGHES asked if the department currently collects data on age, race, gender, and sexual orientation of the officer or employee and the person against who the use of force was used.

[4:03:50 PM](#)

MS. MONFREDA answered the department collects each of those data points except for sexual orientation.

CHAIR HUGHES asked Lieutenant Olsen if he had any comment on Section 9 of SB 46.

LIEUTENANT ERIC OLSEN, Deputy Commander, Division of Alaska State Troopers, Department of Public Safety, Anchorage, Alaska, said he did not have any comments.

[4:04:19 PM](#)

SENATOR WILSON asked Ms. Monfreda how the demographic information is collected.

MS. MONFREDA replied users log in and add information to the portal the FBI developed.

SENATOR WILSON asked if the demographic information for the person against whom force was used is determined through a questionnaire or an assumption by the officer.

MS. MONFREDA answered it is based on officer observations.

[4:05:03 PM](#)

CHAIR HUGHES asked if current practice and the requirements in the bill only differ in the number of organizations that report and collection of data about sexual orientation.

[4:05:22 PM](#)

MS. MONFREDA answered yes, but a major difference is the bill does not provide a specific definition of use of force but the

definition of what is currently reported for the FBI database is actual bodily injury or discharge of a firearm.

CHAIR HUGHES asked for the location in the bill and subsequently noted the language on page 3, line 1:

(10) "deadly force" has the meaning given in AS  
11.81.900(b).

She asked Ms. Monfreda if that was her reference.

[4:06:55 PM](#)

MS. MONFREDA answered that she was referencing the provision [in Section 1] regarding the use of deadly force or the preparation to use deadly force.

CHAIR HUGHES asked if that would go beyond the scope of what the department currently collects.

MS. MONFREDA answer that is correct; it talks about the use of deadly force but not just force.

CHAIR HUGHES asked how the FBI defines use of force.

MS. MONFREDA restated that it is causing severe bodily injury or the discharge of a firearm.

[4:07:59 PM](#)

SENATOR MYERS asked if the department collects demographic information such as the nationality or income class of the victim.

MS. MONFREDA replied ethnicity is captured.

CHAIR HUGHES read the language on page 2, lines 2-3.

...an incident in which an officer used deadly force  
or prepared to use deadly force against a person.

CHAIR HUGHES asked the committee to refer to the concerns voiced by the Alaska Association of Chiefs of Police.

CHAIR HUGHES advised that questions or comments could be sent to [scra@akleg.gov](mailto:scra@akleg.gov).

[4:09:55 PM](#)

SENATOR GRAY-JACKSON thanked the committee for hearing the bill.

CHAIR HUGHES commented that the chair of the State Affairs Committee was very interested in the bill.

[4:10:34 PM](#)

CHAIR HUGHES held SB 46 in committee.

[4:11:04 PM](#)

There being no further business to come before the committee, Chair Hughes adjourned the Senate Community and Regional Affairs Standing Committee meeting at 4:11 p.m.